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| 09/893,504 | 06/29/2001 | Hirotsugu Kawada | 2001_0920A | 6297 |

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EXAMINER

SHIFERAW, ELENI A

| ART UNIT | PAPER NUMBER |
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2136

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,504

Applicant(s)

KAWADA ET AL.

Examiner

Eleni A Shiferaw

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-12 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (Patent Number: 5,513,260) in view of Kajiyama et al. (Kajiyama, Pub. No.: US 2001/0006771 A1).

- 3.1 As per claim 1, Ryan teaches a recording apparatus for recording digital content onto an optical disk, comprising:

an encrypting unit operable to encrypt the digital content, using a different encryption method depending on whether the optical disk is intended for consumer use or industrial use (Ryan Abstract; symmetrical and asymmetrical data encryption on recording media);

a first writing unit operable to, when the optical disk is intended for consumer use, (a) generate a first area on the optical disk (Ryan Col. 1 lines 6-15), and (b) write the encrypted

digital content to the first area (Ryan Abstract; symmetrical and asymmetrical data encryption on recording media); and

a second writing unit operable to, when the optical disk is intended for industrial use, (b) write the encrypted digital content to the second area (Ryan Col. 5 lines 21-32), and (c) write message data to the first area (Ryan Col. 8 lines 12-17; The CD-player stops playing and displays a copyright message),

wherein the message data indicates that the digital content cannot be reproduced by a consumer reproduction apparatus (Ryan Col. 8 lines 12-17; The CD-player stops playing and displays a copyright message);

Ryan does not explicitly teach an accepting unit operable to accept from a user an indication whether the optical disk is intended for consumer use or industrial use; and

(a) generate a first area and a second area on the optical disk,

However Kajiyama teaches an accepting unit command area that has different types of buttons for users to make a selection that reads on an accepting unit operable to accept from a user an indication whether the optical disk is intended for consumer use or industrial use (Kajiyama Page 5 par. [0085-0088], Fig. 8);

(a) generate a first area and a second area on the optical disk (Kajiyama Page 9 par. 0143; data stored in different area of a CD, Fig. 1 No. 1a, and 1b).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Kajiyama with in the system of Ryan because it would allow to accept a selection from a user's and operate according to the selection that a user make, and data would be used effectively by storing data in different area of a CD (Kajiyama Page 9 par. 0143). A storage medium that has first and second storage areas distinguished by stored data, stored reproduction management information for synchronizing and reproducing data respectively stored in the first and second storage area, and program storing a capability for reproducing data stored in one of the first and second storage areas in synchronization with the data stored in other of the first and second storage areas, in another storage medium, in one of the first and second storage areas (Kajiyama Page 1 par. 0011). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Kajiyama with in the system of Ryan because a DVD storage medium would store encrypted data, and message data in different area of the DVD; and the user can make a selection of consumer use data or industrial use data and copyright message data can be displayed.

3.2 As per claim 4, Ryan teaches recording apparatus for recording digital content onto an optical disk which has a first entry area and a second entry area, the first entry area being an area that is to be first accessed when the optical disk is loaded to a consumer reproduction apparatus, and the second entry area being an area that is to be first accessed when the optical disk is loaded to an industrial reproduction apparatus, the recording apparatus comprising:

an encrypting unit operable to encrypt the digital content, according to a different encryption method depending on whether the optical disk is intended for consumer use or industrial use (Ryan Abstract; symmetrical and asymmetrical data encryption on recording media);

a first writing unit operable to, when the optical disk is intended for consumer use, (a) write the encrypted digital content to the optical disk (Ryan Col. 5 lines 21-32), and

a second writing unit operable to, when the optical disk is intended for industrial use, (a) write the encrypted digital content (Ryan Col. 5 lines 21-32) and message data to the optical disk (Ryan Col. 8 lines 12-17; The CD-player stops playing and displays a copyright message), and

wherein the message data indicates that the digital content cannot be reproduced by the consumer reproduction apparatus (Ryan Col. 5 lines 21-32) and message data to the optical disk (Ryan Col. 8 lines 12-17; The CD-player stops playing and displays a copyright message).

Ryan does not explicitly teach an accepting unit operable to accept from a user an indication whether the optical disk is intended for consumer use or industrial use;

(b) write a jump command which designates the digital content as a jump destination, to the first entry area;

(b) write a jump command which designates the message data as a jump destination, to the first entry area, and (c) write a jump command which designates the digital content as a jump destination, to the second entry area,

However Kajiyama teaches an accepting unit command area that has different types of buttons for users to make a selection that reads on an accepting unit operable to accept from a user an indication whether the optical disk is intended for consumer use or industrial use (Kajiyama Page 5 par. [0085-0088], Fig. 8);

Storing data in different area of the CD and displaying data on a screen according to a users instruction that reads on (b) write a jump command which designates the digital content as a jump destination, to the first entry area; (b) write a jump command which designates the message data as a jump destination, to the first entry area, and (c) write a jump command which designates the digital content as a jump destination, to the second entry area (Kajiyama Page 5 par. Lines 0083),

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Kajiyama with in the system of Ryan because it would allow to give options to a user and accept a selection from a user's (Kajiyama Page 5 par. [0085-0088], Fig. 8); and operate according to the selections that a user makes, and it would have been obvious to one ordinary skill in the art at the time of the invention was made to write a jump command which designates the encrypted digital content and message data as a jump destination to the first or second storage area of the disk in order to operate user options successfully. For example, if the user selects a data option "1a First Storage Area" (Kajiyama Fig. 1) to display encrypted movie data from the first storage area of the CD, the DVD-player would display the data from the first storage area of the CD; if the user selects a data stored in "1b Second Storage Area" then option 1b would be displayed from the second storage area of the

CD, it is obvious that the DVD-player jumps from the first area of the CD to the second area or from second to first storage area of the CD to display the encrypted movie data or message data on the screen to a user.

3.3 As per claim 5, Ryan and Kajiyama teach all the subject matter as described above. In addition Kajiyama teaches an optical disk that has a first area and a second area (Kajiyama Fig. 1; first storage area and second storage area), wherein

digital content is recorded in the first area if the optical disk (Kajiyama Page 2 par. 0039), and

the digital content is recorded in the second area (Kajiyama Page 2 par. 0039) and message data is recorded in the first area (Kajiyama Page 2 par. [0039-0041], Page 5 par. 0083),

wherein the message data indicates that the digital content cannot be reproduced by a consumer reproduction apparatus (Ryan Col. 8 lines 12-17; The CD-player stops playing and displays a copyright message);

It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the teachings of Ryan with in the system of Kajiyama because it would allow to store a digital content data or message data in either the first or second storage area of the CD and display copyright information (Ryan Col. 8 lines 12-17; The CD-player stops playing and displays a copyright message), it would also have been obvious to one ordinary skill in the art at the time of the invention was made to store data that intends for consumer use and

industrial use because Kajiyama's CD stores encrypted movie data in two different storage of the CD (Kajiyama Fig. 1 No. 1a, and 1b)

3.4 As par claim 6, Ryan and Kajiyama teach all the subject matter as described above in addition Ryan teaches an optical disk which, wherein

Ryan teaches the message data indicates that the digital content cannot be reproduced by the consumer reproduction apparatus (Ryan Col. 8 lines 12-17; The CD-player stops playing and displays a copyright message);

has a first entry area and a second entry area and on which digital content is recorded (Kajiyama Fig. 1; first storage area and second storage area)

Kajiyama teaches the first entry area is an area to be first accessed when the optical disk is loaded to a consumer reproduction apparatus, while the second entry area is an area to be first accessed when the optical disk is loaded to an industrial reproduction apparatus (Kajiyama Page 5 par. [0083-0088]),

Storing data in different area of the CD and displaying data on a screen according to a users instruction that reads on a jump command that designates the digital content as a jump destination is written in the first entry area, and a jump command that designates message data as a jump destination is written in the first entry area, and a jump command that designates the digital content as a jump destination is written in the second entry area, (Kajiyama Page 5 par. Lines 0083),

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Kajiyama with in the system of Ryan because it would allow to give options to a user and accept a selection from a user's (Kajiyama Page 5 par. [0085-0088], Fig. 8) by storing encrypted movie data in different area of a CD; and operate according to the selections that a user make, and it would have been obvious to one ordinary skill in the art at the time of the invention was made to write a jump command which designates the encrypted digital content and message data as a jump destination to the first or second storage area of the disk in order to operate user options successfully. For example, if the user selects a data option "1a First Storage Area" (Kajiyama Fig. 1) to display encrypted movie data from the first storage area of the CD, the DVD-player would access and display the data from the first storage area of the CD; if the user selects a data stored in " 1b Second Storage Area" then option 1b would be accessed and displayed from the second storage area of the CD, it is obvious that the DVD-player jumps from the first area of the CD to the second area or from second to first storage area of the CD to display the encrypted movie data or message data on the screen to a user.

3.5 As per claim 7, Ryan teaches a recording method for recording digital content onto an optical disk, comprising:

an encrypting step for encrypting the digital content, using a different encryption method depending on whether the optical disk is intended for consumer use or industrial use (Ryan Abstract; symmetrical and asymmetrical data encryption on recording media);

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a first writing step for, when the optical disk is intended for consumer use, (a) generating a first area on the optical disk (Ryan Col. 1 lines 6-15), and (b) writing the encrypted digital content to the first area (Ryan Abstract; symmetrical and asymmetrical data encryption on recording media); and

a second writing step for, when the optical disk is intended for industrial use, (b) writing the encrypted digital content to the second area (Ryan Col. 5 lines 21-32), and (c) writing message data to the first area (Ryan Col. 8 lines 12-17; The CD-player stops playing and displays a copyright message),

wherein the message data indicates that the digital content cannot be reproduced by a consumer reproduction apparatus (Ryan Col. 8 lines 12-17; The CD-player stops playing and displays a copyright message).

Kajiyama teaches an accepting unit command area that has different types of buttons for users to make a selection that reads on an accepting step for accepting from a user an indication whether the optical disk is intended for consumer use or industrial use (Kajiyama Page 5 par. [0085-0088], Fig. 8); and

(a) generating a first area and a second area on the optical disk (Kajiyama Page 9 par. 0143; data stored in different area of a CD, Fig. 1 No. 1a, and 1b) The rationale for combining are the same as claim 1 above.

3.6 As per claim 10, Ryan and Kajiyama teach all the subject matter as described above. In addition Ryan teaches a computer-readable storage medium storing a computer program for recording digital content onto an optical disk, the computer program comprising:

an encrypting step for encrypting the digital content, using a different encryption method depending on whether the optical disk is intended for consumer use or industrial use (Ryan Abstract; symmetrical and asymmetrical data encryption on recording media);

a first writing step for, when the optical disk is intended for consumer use, (a) generating a first area on the optical disk (Ryan Col. 1 lines 6-15), and (b) writing the encrypted digital content to the first area (Ryan Abstract; symmetrical and asymmetrical data encryption on recording media); and

a second writing step for, when the optical disk is intended for industrial use, (b) writing the encrypted digital content to the second area (Ryan Col. 5 lines 21-32), and (c) writing message data to the first area (Ryan Col. 8 lines 12-17; The CD-player stops playing and displays a copyright message),

wherein the message data indicates that the digital content cannot be reproduced by a consumer reproduction apparatus (Ryan Col. 8 lines 12-17; The CD-player stops playing and displays a copyright message)

Kajiyama teaches an accepting unit command area that has different types of buttons for users to make a selection that reads on an accepting step for accepting from a user an indication whether the optical disk is intended for consumer use or industrial use; (Kajiyama Page 5 par. [0085-0088], Fig. 8); and

(a) generating a first area and a second area on the optical disk (Kajiyama Page 9 par. 0143; data stored in different area of a CD, Fig. 1 No. 1a, and 1b) The rationale for combining are the same as claim 7 above.

3.7 As per claim 2, 8, and 11, Ryan teaches the recording apparatus,

wherein the encryption method for consumer use is to encrypt the digital content using a first content key which is to be encrypted using a disk key unique to the optical disk (Ryan Col. 7 lines 62-67), and

the encryption method for industrial use is to encrypt the digital content using a second content key which is to be encrypted using a device key unique to an industrial reproduction apparatus (Ryan Col. 7 lines 62-67).

4. Claims 3, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (Patent Number: 5,513,260) in view of Kajiyama et al. (Kajiyama, Pub. No.: US 2001/0006771 A1), and in further view of Quinnett et al. (Quinnett, Patent No.: US 6,615,160 B1)

4.1 As per claims 3, 9, and 12, Ryan and Kajiyama teach all the subject matter as described above. In addition Ryan teaches the recording apparatus,

The CD-player stops playing and displays a copyright message that reads on a character string indicates that the digital content cannot be reproduced by the consumer reproduction apparatus (Ryan Col. 8 lines 12-17);

Ryan and Kajiyama do not teach wherein the message data includes a plurality of character strings which are each written in a different language,

However Quinnett teaches displaying message on the screen in different language (Quinnett Col. 4 lines 13-23).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Quinnett with in the combination system of Ryan and Kajiyama because it would allow to display messages in different language that people who speak different language could understand the copyright message.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A Shiferaw whose telephone number is 703-305-0326. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Eleni Shiferaw

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E. L. Moise
EMMANUEL L. MOISE
PRIMARY EXAMINER
A/U 2136